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**Hearing Date:** September 19, 2019, 10:00 a.m.  
**Objection Deadline:** September 7, 2019

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,  
  
Plaintiff,  
  
v.  
  
BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,  
  
Defendant.

No. 08-01789 (SMB)  
  
SIPA Liquidation  
  
(Substantively Consolidated)

In re:  
  
BERNARD L. MADOFF,  
  
Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,  
  
Plaintiff,  
  
v.  
  
HSBC BANK PLC, et al.,  
  
Defendants.

Adv. Pro. No. 09-01364 (SMB)

**NOTICE OF CROSS-MOTION FOR SEVERANCE OF CLAIMS  
AGAINST ALPHA PRIME AND FOR LEAVE TO  
FILE AN AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, and the consolidated chapter 7 estate of Bernard L. Madoff, by and through the Trustee’s undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, on **September 19, 2019 at 10:00 a.m.**, seeking entry of an order (1) pursuant to Rule 21 of the Federal Rules of Civil Procedure, as incorporated in this proceeding by Rule 7021 of the Federal Rules of Bankruptcy Procedure, severing the Trustee’s claims against Alpha Prime Fund Ltd. (“Alpha Prime”) from his claims against the remaining defendants, and (2) pursuant to Rule 15 of the Federal Rules of Civil Procedure, as incorporated in this proceeding by Rule 7015 of the Federal Rules of Bankruptcy Procedure, granting the Trustee leave to file a Second Amended Complaint against Alpha Prime, in substantially the form attached as Exhibit A to the Declaration of Oren J. Warshavsky.

**PLEASE TAKE FURTHER NOTICE** that in support of his Cross-Motion, the Trustee will rely upon the accompanying Memorandum of Law and the Declaration of Oren J. Warshavsky, which includes the proposed Amended Second Amended Complaint attached as Exhibit A.

**PLEASE TAKE FURTHER NOTICE** that any responses or objections to the Cross-Motion must be: (i) in writing, conform to applicable rules of this Court and filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **September 7, 2019** (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, New York, 10111, Attn: David J. Sheehan; and (b) Securities Investor Protection

Corporation, 1667 K Street, N.W., Suite 10, Washington, DC 20006, Attn: Kevin Bell. Any objections must specifically state the interest that that the objecting party has in these proceedings and the specific basis of any objection to the Cross-Motion.

**PLEASE TAKE FURTHER NOTICE** that failure to file timely objections may result in the entry of an order granting the relief requested in the Cross-Motion without further notice to any party or an opportunity to be heard.

**PLEASE TAKE FURTHER NOTICE** that the Trustee shall file a reply, if any, by no later than **September 13, 2019**.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted herewith.

Dated: August 27, 2019  
New York, New York

BAKER & HOSTETLER LLP

/s/ Oren J. Warshavsky

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Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Chapter 7 Estate of Bernard L.  
Madoff*